

**PAROWAN CITY COUNCIL MEETING  
APRIL 23, 2015  
LIBRARY LOUNGE, 16 S. MAIN, 6:00 P.M.**

**MEMBERS PRESENT:** Mayor Donald G. Landes, Councilmen Troy Houston, Steve Thayer and Steve Weston, City Manager Shayne Scott, City Recorder Callie Bassett

**MEMBERS ABSENT:** Councilmen Alan Adams, Ben Johnson, and City Attorney Justin Wayment

**PUBLIC PRESENT:** Chuck and Dottie Stade, Katti Lister, Nate Thayer, Blaine Nay (Bee Ordinance), Vickie Hicks, Bob Whitelaw, Paul K. Smith, Ken Carpenter (Parowan Police Chief), Stacey Carpenter, Dennis Gaede

**CALL TO ORDER:** Mayor Landes called the meeting to order at 6:00 p.m.

**OPENING CEREMONIES:** Councilman Thayer offered the invocation. He then led the Council and the public in the pledge of allegiance.

**DOES ANYBODY HAVE ANY CONFLICTS OR PERSONAL INTEREST IN ANY MATTER ON THE AGENDA WHICH NEEDS TO BE DECLARED?** No conflicts were declared.

**PUBLIC HEARING**

**A PUBLIC HEARING FOR THE PURPOSE OF:**

**OPENING THE FY 2015 BUDGET** – Dennis Gaede asked the Mayor what kind of shape the City is in. The Mayor replied we are in good shape. There are some outstanding bonds accumulated that were absolutely necessary.

Nate Thayer asked what the budget increase was this year from last. The Mayor said the last time he looked at the budget he thought it was about \$100,000 less. Mr. Scott said he doesn't know what that number is, but he would discourage talking about the budget in those terms because in FY 2016, the budget is going to be very large because of the new city office project. He said if you take into account why the budget is the size it is, that is the most important question to look at.

Mr. Scott said tonight we are talking about not next year's budget, but the budget we are in now. We are opening this year's budget because we didn't budget for the park restrooms or the new city office. We have to accommodate the proceeds and the things we will do in this fiscal year before June 30. This is to help balance the general fund. Mr. Scott said that any place we are increasing the budget there is offsetting revenue.

Mrs. Vicky Hicks asked about the nursing home and how it will affect the budget next year. She asked if there will be a line item for this. Mr. Scott said that this is one of the reasons we are

opening the budget because we will have to make some of those payments in this fiscal year. It will also be included in next year's budget.

**ALTERING ORDINANCE TITLE 10 CHAPTER 10 GENERAL BUSINESS LICENSES:**

Mr. Scott said this section is just adding a way for Parowan City to recognize reciprocal business licenses from other cities within the state of Utah. Dottie Stade asked if the businesses must be in good standing. Mr. Scott said as long as they have a business license the City will recognize it.

**CONSENT MEETING**

**APPROVAL OF MINUTES (APRIL 9, 2015 City Council Meeting)**

**PURCHASE ORDERS/WARRANT REGISTER**

**SET FY 2016 BUDGET PUBLIC HEARING FOR MAY 28, 2015**

Councilman Houston moved to approve the consent agenda. Councilman Weston seconded the motion. All council members voted in favor of the motion. The motion carried.

PO #912	AED Everywhere	\$6,294.00
PO # 913	Wheeler	\$1,300.00
PO# 914	Dave Harris Custom Cabinets	\$4,032.00

**ACTION MEETING**

**OPEN FY 2015 BUDGET:** Councilman Thayer moved to approve the FY 2015 budget. Councilman Weston seconded the motion. All council members voted in favor of the motion. The motion carried.

**ORDINANCE 2015-04-01 GENERAL BUSINESS LICENSE:** Councilman Houston moved to approve ordinance 2015-04-01 General Business License. Councilman Thayer seconded the motion. A roll call vote was taken as follows:

	<u>Aye</u>	<u>Nay</u>
Councilman Troy Houston	X	
Councilman Steve Thayer	X	
Councilman Steve Weston	X	

Ordinance 2015-04-01 was approved.

**FIRE DEPARTMENT AGREEMENT WITH IRON COUNTY:** Mr. Scott explained that Mr. Ryan Riddle said there are a couple of changes being made to this agreement. We do not have the final document.

Councilman Houston moved to table this agenda item until the next meeting. Councilman Weston seconded the motion. All council members voted in favor of the motion. The motion carried.

**CITY OFFICE CHANGE ORDER #1** - Mr. Scott explained that the design/build process is new to him. In this process, we have a certain amount of money to work with. We will capture savings in some areas, and we will go over budget in some areas. When this happens, Mr. Scott said the thought is that this should be discussed as a council to find out why and to see if the scope of the project has changed.

Mr. Scott said when discussions with Mr. Pendleton and his team began Mr. Pendleton expressed concern about the foundation and the masonry. They did not put enough money in these areas in their bid. Mr. Pendleton originally had a hard time getting bids from contractors on this. The estimate was about \$48,000. He received two bids. The low bid came in at \$88,000. The other bid was \$150,000. Councilman Houston said that something is wrong for these numbers to be so far out of whack. Mr. Scott said that people are busy. He said he talked with Councilman Johnson and he said he thought that was a fair statement. Councilman Houston disagreed. He didn't think people were to buy for commercial projects.

Councilman Thayer said he would like to see the list of people Mr. Pendleton asked to bid. He said to be \$40,000 over the estimate is outrageous. He said Mr. Pendleton gave estimates, not bids. Mr. Thayer said that is the problem with the design/build process. With this process there is an over all not to exceed number. In the end, it will be under the number we have given them. However, if they had gotten bids, we might have gotten bids that would allow us to come in \$200,000 to \$300,000 below what we are going to end up paying.

Mr. Scott said Mr. Pendleton is confident that we will stay under the budget amount. Mr. Scott said the only reason we might go over is if we change the scope of the project. Councilman Thayer said he would like to see who was asked to bid on this and wondered if there are others who didn't get the chance to bid who might come in with the right numbers.

Mr. Scott said he would relay this feedback to Mr. Pendleton and this will have to go on another agenda. Councilman Thayer asked if it was possible for the City to send specs out to other contractors. Mr. Scott explained that Pendleton Construction is our contractor. We work with and through him. They are his subcontractors. We only deal with Pendleton Construction.

Mayor Landes encouraged the Council members to attend the meeting that is held every Tuesday at 1:00 p.m. regarding the New City Office.

Councilman Houston moved to table this item until we get all of the information. Councilman Weston seconded the motion. All council members voted in favor of the motion. The motion carried.

## **WORK MEETING**

### **CHANGE ORDERS/PROCUREMENT PROCEDURES ON NEW CITY OFFICE**

**PROJECT:** Mr. Scott said the contract with Pendleton Building and their team is mostly all encompassing for the building. There are other things that fall outside that contract like security and furnishings for example. Mr. Scott asked the Council how involved they want to be with

decisions on outside consultants. These would be the City's consultants. He said it would be easiest to interview these people and bring an agreement to the council. He asked if the council alright with this or if they would prefer to be more involved. Councilman Houston thinks it should be the committee, or the office personnel, or those with the most expertise to make the decisions.

Mr. Scott asked if there is dollar figure the Council is comfortable going over budget on. Councilman Houston said he thinks it depends on what the item is. He feels comfortable leaving it up to Mr. Scott and the committee.

**CITY GOAL FOLLOW-UP:** The council reviewed the goals they have made for this year.

- Resource study – Mr. Mellor and Mr. Scott have talked about this. They would like to do this internally towards August.
- Communication Plan – There has been no headway on this as yet
- Splash Pad – This needs to be budgeted for. TARP's wasn't sold on this. They are brainstorming other ideas. The City would look for community donations towards this as well.
- TARP – The committee is currently working on Master Trail Plan.
- Event Additions – Alice Heidenreich has been hired as the Recreation Coordinator. She is working on an adult softball league and getting more events at the arena. A lot of good things are happening.
- Branding/Marketing Plan - This has been discussed at the Economic Development meetings. They are going to have SUU students help with this.
- Engineering Standards – Mr. Cleve Matheson and Mr. Scott are going through these.
- General Plan Completed – Mr. Scott is working on getting his portion written.
- Implementation of Road Maintenance Plan – We are working towards a crack seal machine.
- Tennis Courts – We are still working on getting the school district behind this. They are looking putting courts in Cedar City.
- Recreation Master Plan – Nothing has been done on this yet. This could fall under the TARP committee.
- Exit 75 Realignment – We have not budgeted anything for this yet. Mr. Scott will ask Mr. Kelly Stones or Mr. Richard Biasi to come to next meeting.
- Industrial Zoning Analysis – Nothing has been done on this yet.

**COMMERCIAL IMPACT FEES DISCUSSION:** The commercial impact fees have been waived for the last several years. Mayor Landes thinks it was appropriate to have these waived during the time that they were. This helped bring in KB. Councilman Weston reminded the council that businesses qualify for waived impact fees according to the business matrix. Mr. Scott said there was some concern from legal regarding impact fees. He said that impact fees are sort of their own animal, and we need to be careful about not treating everyone the same in regards to these fees.

Councilman Houston said that we need to get the impact fees back in place. He said he doesn't mean they have to go back to 100%, but maybe 25-50%, somewhere in that range. He said he went through the impact fees really quickly and said the only thing that blew him away were the

electric impact fees. He said if we are going to charge that much then we need to be able to justify why we are charging that much. Mr. Scott said it is based on the same formula that other impact fees are based on. Councilman Houston said that when you collect that money, you have to be able to justify using that money within the next three years for impact. He asked if the power company has something in mind that they will use that money on, if not, we shouldn't be charging the impact fee because we aren't being impacted.

Mr. Scott said that you can use impact fees to pay bonds. Councilman Houston said they can only be used for improvement projects and to pay bonds on those kinds of projects. Councilman Weston said it sounds like the amount of the power impact fees was arbitrary. Mr. Scott said the number was based on science. It was based on our impact fee study.

Councilman Weston stated that we want to bring the impact fees back. We just need to determine how far and for what time frame. Councilman Houston suggested doing it for a year and then reviewing them again at that point. Councilman Weston said we want to remain attractive to businesses because we are competing for business. We don't want our impact fees to be too high.

Mr. Scott asked if the Council would like them to take the impact fee study and give a 10 minute presentation synopsis of what it says. Councilman Houston said he would like to see what the numbers would be at 20% and 40% or whatever the Council would like to see so they can see those numbers. What he would really like to see is if the power department can justify their numbers. He said if they can't justify them, they shouldn't be collecting them. Mr. Scott said he would come back with those percentages.

#### **HONEY BEES IN PAROWAN – BLAINE NAY, IRON COUNTY BEE INSPECTOR:**

Mr. Nay is a volunteer with Iron County. He is trained by and answers to the State on issues of honeybees here in the county. His job is to inspect every apiary in Iron County for disease, parasites, and Africanization. If he finds any of these things, he works with the bee keeper to resolve the issues.

Mr. Nay said the Utah Bee Inspection Act goes back to 1892 before statehood. It was enacted by the request of the bee keepers because there have been some very serious problems with honey bee diseases. The State Act is designed to control and mitigate the disease problem.

The Act requires registration of all the bee keepers in the State. There are fees involved with this. One aspect of the Act is involved in public safety, and that is a requirement that all bee keepers have gentle stock. Mr. Nay said gentleness in honey bees is relative, but you want to have bees where you can stand within a couple of yards from the hive and not be attacked.

Mr. Nay said he understands that in Parowan there is a restriction on bee keeping. He said what this does to him is it pushes the bee keepers underground. He said we have a lot of bee keepers here in Parowan in spite of our ordinance. Some are hiding and some are unaware of the ordinance. He said if they are hiding, they are hiding from him as well, and he can't help them with disease problems. It concerns him to have unnecessary restrictions on bees.



Councilman Houston asked Mr. Nay how he keeps track of hives sold at IFA, Cal-Ranch and online. He said it is really an honor system. He said he has posters at both Cal-Ranch and IFA giving them the information they need. Mayor Landes asked how many bee keepers there are in Parowan. Mr. Nay said he has inspected 12, and he thinks that is about a third of them.

Mr. Nay said he gave Mr. Scott information on bee keeping and bee keeping ordinances from other cities that have some good ideas and guide lines, such as set backs and barriers. He thinks it would be appropriate to have restrictions like this. Mr. Nay recommended that Parowan take a look at its ordinance.

Mr. Scott said that if he were to ask Mr. Nay, he would probably say that the state code on this is good. Mr. Nay said it doesn't address the maximum number of colonies per yard or water per acre. He said it would be appropriate for a community to address these things. He thinks requiring barriers to protect neighbors and passers by would also be appropriate for the community to require, since the state does not address this.

Mr. Nay said there is a bill in the legislature this year to nullify all local bee keeping ordinances and to retain the authority to regulate bees at the state level just as they do firearms. The concern is as bee keepers move their bees from place to place they may cross invisible political lines and become violators. Uniformity of law throughout the state would avoid this problem.

The Council asked Mr. Nay various questions about bees, honey and enforcement.

Councilman Houston thinks Parowan's ordinance should say that we follow the state law. Mr. Nay said he is willing to come out and help any bee keeper become compliant. He said he is happy to answer any questions at any time that the Council might have.

#### **ENTERPRISE FUND BUDGET PRESENTATION – SHAYNE SCOTT:**

Mr. Scott explained that according to state law, the general fund must balance. This is not the case with the enterprise funds. Mr. Scott went over the enterprise funds with the Council.

#### **MEMBER REPORTS:**

Councilman Houston didn't have anything to report.

Councilman Weston didn't have anything to report.

Councilman Thayer commented that Mr. Mike Graves knows someone who feels badly that the water isn't on yet


#### **PUBLIC COMMENT:**

Mr. Dennis Gaede said that he's been asked why the water isn't on yet.

Mr. Nate Thayer ran into an issue making a sewer connection. He asked if the City has considered charging a connection fee and bringing the line to the property. Mr. Scott said we would have to ask Mr. Kelly Stones.

**ADJOURN:**

Councilman Houston moved to adjourn the meeting. Councilman Thayer seconded the motion. All council members voted in favor of the motion. The meeting was adjourned at 7:39 p.m.



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Donald G. Landes, Mayor



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Callie Bassett, City Recorder